

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 18-cr-20491
Hon. Matthew F. Leitman

v.

TARENCE MARSHALL,

Defendant.

/

**ORDER DENYING DEFENDANT'S REQUEST FOR THE
APPOINTMENT OF COUNSEL (ECF NO. 55)**

Defendant Tarence Marshall is a federal prisoner. On September 9, 2020, the Court denied Marshall's motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). (*See* Order, ECF No. 52.) However, the Court told Marshall that he could "renew the motion if there [was] a material adverse change in the COVID-19 situation" at the prison where he was incarcerated. (*See id.*, PageID.401.)

On January 21, 2021, Marshall sent a letter to the Court in which he requests that the Court appoint him counsel so that he can file a renewed motion for compassionate release. (*See* Ltr., ECF No. 55.) Marshall explains that he has recently been transferred to a new federal facility – FCI Ashland – and that FCI Ashland has had an "outbreak of COVID-19 cases." (*Id.*, PageID.408.) He therefore

insists that his transfer is the type of “material adverse change in the COVID-19 situation” that the Court identified in its September 9 order.

According to the federal Bureau of Prisons, as of February 2, 2021, FCI Ashland has zero confirmed active COVID-19 cases among inmates and only five confirmed active COVID-19 cases among staff.¹ Absent compelling evidence that the Bureau of Prisons is not accurately reporting the number of COVID-19 cases at FCI Ashland, the Court is not inclined to appoint Marshall counsel or revisit its earlier decision denying him compassionate release at this time.² The Court therefore **DENIES** Marshall’s request for the appointment of counsel (ECF No. 55) **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 3, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 3, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9761

¹ See <https://www.bop.gov/coronavirus/>.

² If Marshall has compelling evidence that the number of currently-active COVID-19 cases is substantially higher than the Bureau of Prisons is reporting on its website, he may submit that evidence in a renewed motion for the appointment of counsel.